

BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION AT PANCHKULA

Case No. HERC/Petition No. 23 of 2026

Date of Hearing : 08.07.2026

Date of Order : 05.08.2026

In the Matter of

Petition under Section 86(1)(b) of the Electricity Act, 2003 read with Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking- (1) approval of source for procurement of 250MW/ 500MWh Standalone Battery Energy Storage System (BESS) to be set up in the State of Haryana; and (2) approval of the back-to-back 'Battery Energy Storage Sale Agreement' (BESSA) to be entered between SJVN Limited, acting as an intermediary procurer and the Petitioner herein.

Petitioner

UHBVNL Through its Chief Engineer (Commercial) Vidyut Sadan, IP No. 3 & 4, Sector-14, Panchkula (HR)-134113, Email Id: cecommercial@uhbvn.org.in

Respondent

SJVN Ltd. Through its General Manager, 6th Floor, Tower -1, Office Block, NBCC Complex, East Kidwai Nagar, New Delhi-110023, Email Id: sjvn.reia@sjvn.nic.in, adarsht912003@gmail.com

Present on behalf of the Petitioner

1. Mr. Raghujeet S. Madan, Advocate
2. Ms. Aerika Singh, Advocate
3. Mr. Lovepreet Singh, Advocate

Present on behalf of the Respondent

1. Mr. Ajitesh Garg, Advocate
2. Mr. Mritunjay Kumar, Engineer

Quorum

**Shri Nand Lal Sharma
Shri Mukesh Garg
Shri Shiv Kumar**

**Chairman (Deceased)
Member (In-Chair)
Member**

ORDER

1. The case was taken up for hearing on 09.07.2026, as scheduled, in the courtroom of the Commission.
2. At the outset, Mr. Raghujeet S. Madan, the learned counsel for the petitioner, sought permission to withdraw the present petition, in view of the successful bidder having expressed its unwillingness to proceed with the project. Shri Madan further prayed for refund of the petition filing fee on the ground that the withdrawal of the present petition has become necessary due to circumstances beyond its control. The similar prayer was reiterated in the final written submissions filed by the petitioner dated 10.07.2026.

3. The petitioner, in its written submissions dated 10.07.2026, further submitted that the Ministry of Power in its meeting held on 17.06.2026 under the Chairmanship of Secretary (Power), Ministry of Power, decided that Haryana would issue a fresh combined tender for 530 MWh. This combined figure comprises the present tender of 500 MWh, which is pending before the Hon'ble Commission, and a further tender of 30 MWh for the capacity earlier allocated at 20 MWh, which had been cancelled on account of the high tariff discovered at that time. It was further decided that the re-tendering and award of the total 530 MWh BESS capacity shall be completed latest by 30.09.2026. The total VGF support of Rs 5.4 crore to Haryana under the VGF scheme through budgetary support would be retained. However, in place of the earlier allocation of 20 MWh at Rs 27 lakh/MWh, Haryana's BESS allocation shall be 30 MWh at VGF support of Rs. 18 Lakh/ MWh
4. The petitioner has further submitted that in view of the aforesaid development, it may be permitted to withdraw the present Petition with liberty to proceed with the re-tendering process and file the petition afresh once the tendering process is concluded. The Petitioner has already deposited Court fee of Rs. 12,55,000/- (Rupees Twelve Lakh Fifty-Five Thousand only) in the present Petition, computed in terms of the Haryana Electricity Regulatory Commission (Fee) Regulations, 2005 (as amended up to the 7th Amendment Regulations, 2022), comprising Rs. 12,50,000/- towards fee for approval of source of power (BESS - 250 MW, at Rs. 5,000/- per MW) and Rs. 5,000/- towards fee for filing of the Interlocutory Application (urgent listing). The same may be ordered to be adjusted against the Court fee payable in the fresh petition to be filed by the Petitioner upon undertaking the re-tendering process.
5. The Commission has considered the submissions made by the petitioner. In view of the request made by the Petitioner, the present petition has become infructuous and has consequently lost its substratum. Accordingly, the petition is dismissed as withdrawn, with liberty to approach the Commission afresh, if so required, in accordance with law.
6. The Commission has further examined the prayer of the petitioner seeking refund/adjustment of the filing fee paid in respect of the present petition and holds that the regulatory framework governing the Haryana Electricity Regulatory Commission does not envisage any provision for refund or adjustment of the petition filing fee once a petition has been instituted. The filing fee is a statutory levy prescribed under the

HERC (Fee) Regulations, 2005, as amended from time to time, and is payable at the time of institution of the petition.

7. Accordingly, the prayer of the Petitioner seeking refund of the filing fee or its adjustment against any petition that may be filed in future cannot be acceded to and is, therefore, rejected.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 05.08.2026.

Date: 05.08.2026
Place: Panchkula

Sd/-
(Shiv Kumar)
Member

Sd/-
(Mukesh Garg)
Member